

Historic, Archive Document

Do not assume content reflects current
scientific knowledge, policies, or practices.



Reserve
a TS1975
A11154

ISSUANCES

of the

Meat and Poultry Inspection Program

March 1976



A
P
H
I
S

CONTENTS

MPI Publications

CFR Amendment

Designation of the State of California

MPI Bulletins

76-43, Exports to Japan

76-44, Checklist of MPI Issuances

Changes

76-3, Meat and Poultry Inspection
Manual

76-3, Meat and Poultry Inspection
Regulations

PROCUREMENT SECTION
CURRENT SERIAL RECORDS

MAY 20 '76

U.S. DEPT. OF AGRICULTURE
NATIONAL AGRICULTURAL
LIBRARY
11011770

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250

MPI PUBLICATIONS

Issuances of the Meat and Poultry Inspection Program. This publication contains selected CFR amendments, MPI bulletins, and MPI directives; changes to the Meat and Poultry Inspection Manual; and changes to the Meat and Poultry Inspection Regulations. It is published monthly by the Issuance Coordination Staff, Technical Services, and is available, upon subscription, from the U.S. Government Printing Office.

Subscription for 1 year (12 issues) is \$9.00 in the United States and possessions, and \$11.25 in foreign countries; cost of each single copy is \$0.75.

Meat and Poultry Inspection Manual. This publication contains procedural guidelines and instructions useful in enforcing laws and regulations related to Federal meat and poultry inspection. Copy of the publication and changes since its printing: \$16.50 in the United States and possessions, and \$20.75 in foreign countries.

Meat and Poultry Inspection Regulations. This publication contains regulations for slaughter and processing of livestock, poultry, as well as for certain voluntary services and humane slaughter. Copy of the publication and changes since its printing: \$22.00 in the United States and possessions, and \$27.50 in foreign countries.

Directory of Meat and Poultry Inspection Program Establishments and Officials. It is published semi-annually and is available, upon subscription, from the U.S. Government Printing Office.

Subscription for 1 year (two issues) is \$7.60 in the United States and possessions, and \$9.50 in foreign countries; cost of one copy is \$3.80 in the United States and possessions, and \$4.75 in foreign countries.

SUBSCRIPTION

Persons--other than MPI personnel--wishing to receive the above publications should send a completed MP Form 38, Subscription Order Form, or write to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Check or money order should be made payable to the Superintendent of Documents and should accompany the request.

CORRESPONDENCE

Subscribers wishing additional information on subscriptions, such as change of address, number of copies, etc., should write to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Correspondence on the contents should be addressed to USDA, APHIS, MPI, Issuance Coordination Staff, Washington, D.C. 20250.

Correspondence by MPI personnel on the mailing and distribution should be addressed through the regional director, and by State personnel through the State program director and MPI regional director to USDA, APHIS, Administrative Services Division, Room 727-A, Federal Building, Hyattsville, Maryland 20782.

March 16, 1976

tation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Officials of the State of California have advised this Department that effective April 1, 1976, the State of California will no longer be in a position to continue administering authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce."

The Secretary heretofore determined that the State of California had developed and activated requirements at least equal to the requirements under sections 202 and 203 of the Federal Meat Inspection Act, and section 11 (b) and (c) of the Poultry Products Inspection Act. However, such sections contemplate continuous ongoing programs, and in view of the termination date now applicable to the California programs, the Secretary, after consultation with the appropriate advisory committee, has now determined that California is not exercising, in a manner to effectuate the purposes of said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202 and 203 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, California is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202 and 203 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

§ 331.6 [Amended]

1. In the "State" column, California is added in alphabetical order to the list of States in which the provisions of sections 202 and 203 of the Federal Meat Inspection Act and related regulations are applicable.

2. In the "Effective date of designation" column, "April 1, 1976," is added on the line with California in both places.

(Secs. 21, 205, 34 Stat. 1260, as amended, 81 Stat. 584 (21 U.S.C. 621, 645); 37 FR 28464, 28477)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

§ 381.224 [Amended]

1. In the "State" column, "California" is added in alphabetical order to the list of States in which the provisions of sections 11(b) and (c) of the Poultry Products Inspection Act and related regulations are applicable.

2. In the "Effective date" column, "April 1, 1976," is added on the line with California in both places.

(Secs. 11(e), 14, 71 Stat. 441, as amended, 82 Stat. 791 (21 U.S.C. 460(e)), 463; 37 FR 28464, 28477)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agriculture access to places of business engaged in intrastate activities and otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

These amendments and the notice given hereby shall become effective April 1, 1976.

Done at Washington, D.C., on February 18, 1976.

F. J. MULHERN,
Administrator, Animal and Plant
Health Inspection Service.

[FR Doc. 76-5859 Filed 3-1-76; 8:45 am]

**CHAPTER III—ANIMAL AND PLANT
HEALTH INSPECTION SERVICE (MEAT
AND POULTRY PRODUCTS INSPEC-
TION), DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER A—MANDATORY MEAT
INSPECTION**

**PART 331—SPECIAL PROVISIONS FOR
DESIGNATED STATES AND TERRI-
TORIES; AND FOR DESIGNATION OF ES-
TABLISHMENTS WHICH ENDANGER
PUBLIC HEALTH AND FOR SUCH DESIG-
NATED ESTABLISHMENTS**

**SUBCHAPTER C—MANDATORY POULTRY
INSPECTION**

**PART 381—POULTRY PRODUCTS
INSPECTION REGULATIONS**

**Designation of the State of California Under
Federal Meat Inspection Act and Poultry
Products Inspection Act for Special Pur-
poses**

● **Purpose:** The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the State of California under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act. ●

Statement of considerations. Sections 202 and 203 of the Federal Meat Inspection Act (21 U.S.C. 642 and 643) provide for recordkeeping, access, and related requirements, and registration requirements, with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11(b) and (c) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consul-

**PART 331—SPECIAL PROVISIONS FOR
DESIGNATED STATES AND TERRI-
TORIES; AND FOR DESIGNATION OF ES-
TABLISHMENTS WHICH ENDANGER
PUBLIC HEALTH AND FOR SUCH DESIG-
NATED ESTABLISHMENTS**

**PART 381—POULTRY PRODUCTS
INSPECTION REGULATIONS**

Designation of the State of California

● **Purpose:** The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the State of California under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. ●

Statement of considerations. A representative of the Governor of the State of California has advised this Department that the State of California is no longer in a position to continue administering the State meat inspection program after March 31, 1976, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use

as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, a representative of the Governor of the State of California has advised this Department that the State of California is no longer in a position to continue administering the State poultry inspection program after March 31, 1976, and has requested the Department to assume the responsibility for carrying out the provisions of section 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of California had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the California programs, it is hereby determined that California is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10 and 12-22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c) (3) of the Federal Meat Inspection Act and section 5(c) (3) of the Poultry Product Inspection Act.

On April 1, 1976, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the State of California which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on April 1, 1976, the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were

conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the State of California which conducts any slaughtering or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c) (2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after March 31, 1976, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. L. J. Rafoth, Director, Western Region, Meat and Poultry Inspection Program, Building 2 C, 620 Central Avenue, Alameda, California 94501 (Telephone: 415/273-7402).

Accordingly, the table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

1. In the "State" column, "California" is added immediately above "Colorado."
2. In the "Effective date of application of Federal provisions" column, "April 1, 1976" is added on the line with "California."

(Secs. 21, 301(c), 34 Stat. 1260, as amended; (21 U.S.C. 621, 661(c)); 37 FR 28464, 28477)

Further, the table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

§ 381.221 [Amended]

1. In the "State" column, "California" is added immediately below "Arkansas."
2. In the "effective date of application of Federal provisions" column, "April 1, 1976" is added on the line with "California."

(Secs. 5(c), 14, 71 Stat. 441, as amended (21 U.S.C. 454(c), 463); 37 FR 28464, 28477)

These amendments of the Federal meat inspection regulations and the poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act and section 5(c) of the Poultry Products Inspection Act. It does not appear that public participation in this rule-making proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

These amendments and the notice given hereby shall become effective March 2, 1976.

Done at Washington, D.C., on February 13, 1976.

F. J. MULHERN,
*Administrator, Animal and
Plant Health Inspection Service.*

[FR Doc.76-5860 Filed 3-1-76;8:45 am]

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, DC 20250

MPI BULLETIN 76-43
3/15/76

ACTION BY: Inspectors in Charge and Plant Management of Meat Plants

INFORMATION FOR: Regional Directors, Area and Circuit Supervisory Personnel

Exports to Japan

Japanese authorities have indicated that pork uteri will be accepted into Japan if properly prepared and certified.

It has been determined that non-gravid pork uteri from gilts, although not considered edible in this country, could be saved as an edible product for export to countries which wish to import them.

For export to Japan, uteri must remain with the viscera until post-mortem inspection is completed. Inspection need only be by visual examination. After inspection, those uteri which are passed must be split open by establishment employees, washed, and immediately placed in crushed ice. When thoroughly chilled, product must be drained, packed, and deep frozen as quickly as possible. Cartons should be labeled "Pork Uteri for Export to Japan."

Additional inspection supervision, requested to insure that the certification requirements are satisfied, is reimbursable as provided in Part 350 of the Meat and Poultry Inspection Regulations and Part 26.2 of the Meat and Poultry Inspection Manual.



DONALD L. HOUSTON
ACTING DEPUTY ADMINISTRATOR
MEAT AND POULTRY INSPECTION PROGRAM

DISTRIBUTION: A-O P, Q, S, U (Issuances)	CATEGORY: J. Exports	REGS: 322.2 MANUAL: Part 22	OPI: FO/FP
---	-----------------------------	--	-------------------

INFORMATION FOR: MPI Employees and Interested Parties

CHECKLIST OF MPI ISSUANCES

January - March 1976

This checklist is issued to aid users in checking receipt of applicable issuances, and to cancel obsolete issuances. Distribution codes, if used, are shown on the bottom of the first page of the issuance. Based on these codes, users may determine if applicable issuances were received. For codes, see MPI Directive 130.1, Rev. 1, Exhibit D, Mailing List Codes Used to Distribute MPI Issuances. Changes for the Meat and Poultry Inspection Manual, the Meat and Poultry Inspection Regulations, and CFR Amendments do not have codes as they are distributed to all monthly issuance recipients. If a particular issuance was not received, write to the Service Operations Unit, Administrative Services Division, South Building, APHIS, USDA, Washington, D.C. 20250.

ISSUANCES PUBLISHED

CFR Amendments	
Type	Subject
Rulemaking	Designation of the State of California

Regulation Changes	
Number	Page
76-1	(Meat) 23, 23a, 199, 200-206 (Poultry) 29, 30, 115-116a, 119, 120 (Voluntary) i, ii, iii, iv, 3-26
	Pen-and-Ink Changes (Meat) 77 (Poultry) 24, 46
76-2	(Meat) 13, 14, 21, 22 (Poultry) v, vi, 15, 16, 101-104a, 119, 120
76-3	(Meat) 199, 200, 203-206 (Poultry) 27, 28, 103, 104, 115-116a, 119, 120

Manual Changes	
Number	Page
76-1	23, 24, 211, 212, 235-236a, 253, 254, 257-269a
	Pen-and-Ink Changes 91, 94, 233
76-2	135-138
	Pen-and-Ink Changes 132a, 133, 211

Manual Changes - Cont	
Number	Page
76-3	229, 230, 230a, 252a, 252b, 253, 254
	Pen-and-Ink Changes 62, 73a, 261

Directives		
Number	Subject	Distrib. Codes
Date		
909.7 12/9/75	MP Form 91, Meat Denaturing Guide for Meat Denatured by Black Dye, Charcoal, or Charcoal Solution	A-O,P,Q, S,T,U,U-2
917.1 Rev. 2 1/22/76	Meat and Poultry Residue Program	A-O,P,Q, S, U,U-2

Bulletins		
Number	Subject	Distrib. Code
Date		
76-1 1/2/76	Export of Pork Products to Great Britain (U.K.)	A-O,P,Q, S
76-2 1/2/76	Submission of Samples for Biological Residue Analysis	A-O,P,Q,S
76-3 1/2/76	Hold and Test Restriction on Imports from Establishment 3B, Australia	A-O,P,Q, S,T,U-6
76-4 1/12/76	Export of Fresh and Processed Poultry to the Federal Republic of Germany	A-O,P,Q, S,U,U-1
76-5 1/5/76	Certification of Imports from Est. 13, Argentina	A-O,P,Q, S,T,U-6

Bulletins (Cont'd)			Bulletins (Cont'd)		
Number Date	Subject	Distrib. Code	Number Date	Subject	Distrib. Codes
76-6 1/7/76	Items Used with Meat or Poultry Products that are Unapproved or Approved but Unacceptable	A-O,P,Q, S,U	76-22 2/12/76	Forms and Reports Reduction Campaign	Limited
76-7 1/12/76	Lifting of Restriction on Imported Product from Est. 3B, Australia	A-O,P,Q, S	76-23 2/13/76	Recording Fair Labor Standards Act (FLSA) Travel Time on Time and Attendance Reports (T&A's)	Limited
76-8 1/12/76	Exports to Japan	A-O,S,T, U,Q	76-24 2/13/76	Presidential Cost Reduction Campaign	EA,EI,EJ EM
76-9 1/12/76	Imports from Est. 2, Panama	A-O,P,R, S,T,U-6	76-25 2/17/76	Action Plan for Progress in Equal Employment Opportunity, Fiscal Year 1976	Limited
76-10 Undated	Recording Fair Labor Standards Act (FLSA) Travel Time on Time and Attendance Reports (T&A's)	Limited	76-26 2/17/76	Exports to the Federal Republic of Germany	A-O,P,Q, S,U
76-11, Undated	Temporary Organizational Realignment and Personnel Reassignments	Limited	76-27 2/17/76	Misuse of Government-leased Equipment	EA,EI, EJ,EM
76-12 1/21/76	MPI Headquarters Operations--Equal Employment Opportunity Advisory Committee	EA,EI,EJ, EK,EL,EM, EN,EO	76-28 2/18/76	Hold and Test Restriction on Imported Product from Est. SIF-4, Brazil	A-O,P,Q, S
76-13 1/21/76	Export of Ground or Comminuted Turkey or Chicken Meat to Japan	A-O,P,Q, S,U	76-29 2/20/76	Canning Operations and Critical Control Factors	A-O,P,Q, S,T,U,U-2
76-14 1/26/76	Reimbursable Rate for Laboratory Services	A-O,S,Q, U,U-2	76-30 2/20/76	People Effectiveness Follow-Up and Closeout Report	EA,EI, EJ,EM
76-15 1/27/76	Income Tax Advisory Service	EA,EI, EJ,EM	76-31 2/26/76	Imports from Est. 2, Poland	A-O,P,Q, S,T
76-16 1/29/76	Submission of Samples for Biological Residue Analysis	A-O,P,Q,S	76-32 2/26/76	FD&C Red No. 2 Dye	A-O,P,Q, S,U,U-2
76-17 1/29/76	Export of Meat and Meat Products to the United Kingdom	A-O,P,Q, S,U	76-33 3/1/76	Establishment Numbers	A-O,Q
76-18 1/29/76	Export of Poultry and Poultry Products to the United Kingdom	A-O,P,Q, S,U	76-34 3/3/76	Export of Meat and Meat Products to the United Kingdom	A-O,P,Q, S,U
76-19 2/2/76	Incumbency Limitation Period, Effect of Non-pay Status	A-O,P,Q, S	76-35 3/3/76	Manual Net Weight Revision	A-O,P,Q, S,U,U-2
76-20 2/5/76	Parts Missing Statement on Packaged, Labeled, and Graded Poultry	A-O,P,Q, S	76-36 3/4/76	Pay Periods and Holidays for Calendar Year 1976	Limited
76-21 2/5/76	Long Distance Toll Calls	EA,EI,EJ, EM	76-37 3/5/76	Export of Fresh and Processed Poultry to the Federal Republic of Germany	A-O,P,Q, S,U
			76-38 3/5/76	Hold and Test Restriction on Imported Product from Est. 4, Guatemala	A-O,P,Q, S
			76-39 3/8/76	Lifting of Restrictions on Imported Product from Est. 13, Argentina	A-O,P,Q, S


Bulletins (Cont'd)		
Number Date	Subject	Distrib. Codes
76-40 3/8/76	Turkey Ham	A-O,P,Q, S, U
76-41 3/9/76	Amendment to MPI Direc- tive 462.1, Standards of Performance	EA,EI, EM,EJ
76-42 3/12/76	Imports from Establishment 2, Poland	A-O,P,Q, S
76-43 3/15/76	Exports to Japan	A-O,P,Q, S,U

ISSUANCES DELETED

Instructions		
Number Date	Subject	Distrib. Code
917.1 Rev. 1 11/27/71	National Residue Monitor- ing Program	ES11-16, ES16-1, S17,02013
917.2 Rev. 1 11/27/71	National Residue Monitor- ing Program	ES11-16, ES16-1, S17,02013

Bulletins	
Number Date	Subject
547 12/26/73	FDA/USDA Cooperative-Program, Illegal Residues in Meat and Poultry
790 3/21/74	Purple Branding Ink
806 9/9/74	"Refused Entry" - Distribution of MPI Form 410
851 10/24/74	Hold and Test Restriction on Imports from Establishment SIF-1, Brazil
898 12/3/74	Hold and Test Restriction on Imports from Establishment 1921, Argentina
903 12/9/74	Hold and Test Restriction on Imports from Establishment SIF-2, Brazil
75-2 1/2/75	Exports of Fresh and Processed Poultry to the Federal Republic of Germany
75-36 2/28/75	Exports of Fresh and Processed Poultry to the Federal Republic of Germany

Bulletins (Cont'd)	
Number Date	Subject
75-57 3/25/75	Hold and Test Restriction on Imports from Establishment TIF-12, Mexico
75-73 4/30/75	Export of Fresh and Processed Poultry to the Federal Republic of Germany
75-81 5/27/75	Hold and Test Restriction on Imports from Est. TIF-E23, Mexico
75-93 6/11/75	Hold and Test Restriction on Imports from Est. A/IV/17, Germany
75-101 7/2/75	Submission of Samples for Biological Residue Analysis
75-115 8/1/75	Export of Fresh and Processed Poultry to the Federal Republic of Germany
75-136 9/24/75	Hold and Test Restriction on Imports from Est. 1, Haiti
75-156 10/21/75	Certification of Imports from Establishment 640, Australia
75-160 11/11/75	Lifting of Restriction on Imports from Establishment 1921, Argentina
75-164 11/19/75	Hold and Test Restriction on Imports from Est. 13, Argentina
75-165 11/19/75	Lifting of Restriction on Imports from Est. 640, Australia
75-166 11/19/75	Lifting of Restriction on Imports from Est. 1, Haiti
75-171 12/10/75	Lifting of Restriction on Imports from Est. A/IV/17, West Germany
75-172 12/10/75	Lifting of Restriction of Imports from Est. 1921, Argentina
75-182 12/16/75	Lifting of Restriction on Imports from Ests. SIF-1 and SIF-2, Brazil
76-3 1/2/76	Hold and Test Restriction on Imports from Est. 3B, Australia
76-7 1/12/76	Lifting of Restriction on Imported Product from Est. 3B, Australia


W. J. Minor
Chief Staff Officer
Issuance Coordination Staff



UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250



MEAT AND POULTRY INSPECTION MANUAL

CHANGE: 76-3

Maintenance Instructions

March 1976

Remove Page	Insert Page	Numbered
229 and 230	229, 230, and 230a	76-3
252a, 252b, 253, and 254	252a, 252b, 253 and 254	76-3

Pen-and-Ink Changes

Page 62, section 10.13(c), line 8, correct the word "miximum" to "maximum."

Page 73a, line 16, change "(section 23.3)" to "(Subpart 23-C)."

Page 261, section 22.68, West Africa, delete the entire section.

certify that (1) products are from animals slaughtered for human food in official U.S. establishments or approved foreign plants, (2) such animals received ante- and post-mortem veterinary inspection at time of slaughter and were free from contagious and infectious disease, and (3) products were not exposed to infection before export.

For canned product, manufacturer shall also declare that during processing all can content was heated to not less than 100° C. (212° F.). Temperature and time of process shall be endorsed by an MPI veterinarian with a certificate stating that he is familiar with product process and he does not have reason to doubt manufacturer's declaration.

(3) Casings. Issue MP Form 415-5.

(4) Inedible (R). Cattle hides are not permitted entry from countries with foot-and-mouth disease. They must be accompanied by a certificate from an MPI veterinarian stating that hides are from cattle slaughtered for human food.

(b) Poultry Products

(1) Canned. Only canned poultry products are eligible for export to Australia. Besides MP Form 506, a certification shall be made by manufacturer and inspector (jointly) on firm's letterhead. Such certification shall consist of:

1. A declaration by the manufacturer stating that all can content was heated to not less than 100° C. during processing. Temperature and time used shall be stated.

2. A certification by the inspector that he is familiar with product process, and does not have reason to doubt manufacturer's declaration. Inspector's part of the certificate shall read:

"I certify that I am familiar with

product process (insert name of product) and I have no reason to doubt manufacturer's declaration."

John Doe

USDA Inspector

(2) Labels. Trade description shall be in the form of a principal label or brand, prominently and, as practicable as possible, permanently affixed to product. It shall contain the following prominent and legible characters:

1. Name of country where products are made or produced (Product of USA).

2. True description of product. Where any weight or quantity is declared, it shall specify whether gross or net. Any matter included on the label or brand, additional to that specified in the regulations, shall not tend to contradict or obscure specified particulars by illustration, wording, or size of lettering.

22.21 AUSTRIA

(a) Meat Products

The following statement will be made either on reverse of regular export certificate or on departmental letterhead: "This is to certify that rinderpest, foot-and-mouth disease, and contagious pleuropneumonia did not exist in the United States during the 12 months preceding slaughter of animals from which these products were derived."

Casings. Issue MP Form 415-5.

(b) Poultry Products

Issue MP Form 506.

22.22 BELGIUM

(a) Meat Products

Issue MP Form 412-3 for all shipments. Also issue MP Form 7, Certificate of Wholesomeness, for exports

of fresh meat and meat byproducts.

This certificate states that ante-mortem must be conducted by a veterinarian. The alternative procedure in section 9.6 meets this requirement, provided a veterinarian does ante-mortem inspection of the animals whose meat, product, or byproduct is to be exported to Belgium. Exporters must establish product identity and satisfy certifying officer that product meets this requirement.

Issue MP Form 412-8 for processed meat food products.

Belgium import regulations apply to all meat, including horsemeat, and all processed and canned products with more than 5 percent meat by weight.

(1) Fresh, frozen. The following fresh or frozen products are eligible for entry:

1. Beef--bone-in or boneless pieces weighing at least 22 pounds.
2. Veal, horsemeat--bone-in pieces weighing at least 22 pounds.
3. Pork--bone-in hams, loins, and bacon from back and breast.
4. Mutton, lamb, and goat meat--bone-in legs, shoulders, and loins.
5. Unboned heads of all species.
6. Byproduct (edible)--hearts, kidneys, livers, tongues, brains, intestines, stomachs, pancreas, and thymus. Large intestines and stomachs must be scraped and scalded.

Wrapper or container labels of byproduct, including livers, must show inspection legend.

(2) Brands. Each piece or cut of fresh meat, chilled or frozen, shall be marked with legible brands. Carcasses less than 132 pounds shall have four brands on shoulders and external surfaces of hind legs; those over 132 pounds at least four brands on each side, placed on thigh, loin, back, and shoulder. Pork carcasses shall also be branded on ribs.

(3) Labels. Labels must be approved by STS-LP. One label shall be affixed to the container and one shall be placed inside. A label need not be on the container if all cans or packages therein bear identical labels.

The label shall show (1) kind of meat, (2) official number of processing or producing plant, and (3) country of origin.

(4) Casings. Identify containers with MP Form 415-7. Accompany each shipment with MP Form 412-8; the words "animal casing" are substituted for "products." The certificate must bear serial numbers of casing stamps used. Nodular casings shall be described on the certificate as "Nodular(not clear)."

(b) Poultry Products

Issue MP Form 506 and MP Form 47. To comply with item (e) of MP Form 47, the owner or producer of poultry to be exported must sign a certificate stating all requirements in such item. The certificate must be given to the MPI officer signing the form. Product with bastings or tenderizers is not permitted.

22.23 CANADA

(a) Quebec Requirement

A Quebec provincial "Order-in-Council" (4-15-67) requires "French" on labels of products marketed in the Province. Inscriptions in another language must not precede those in French. The Order requires that food labels show:

1. Product nature, composition, use, exact quantity, origin, etc.
2. Identity of manufacturer, preparer, conditioner, or processor.
3. Place of manufacture, preparation, conditioning, or processing of product. Imported product must be marked with name of country of origin.

(b) Meat Products

MP Form 412-3 should show official number(s) of plant(s) where product was prepared and consignor's address.

(1) Carcass. Carcasses, sides, or quarters must be intact. Those with trimmed areas, severed joints, or missing parts are unacceptable.

22.47 MALAYSIA**(a) Meat Products**

Issue MP Form 412-3.

(1) Certification (R). MP 412-3 shall be accompanied by a veterinary certificate on departmental letter-head stating:

1. The country was free from foot-and-mouth disease and rinderpest for 6 months immediately before slaughter of animals from which products were derived.

2. Meat or meat food products derived from animals subjected to ante- and post-mortem examinations and were free from infectious and contagious disease; products for export to Malaysia are fit for human consumption; and every precaution has been taken to prevent contamination before export.

3. In case of pork or pork products, a further veterinary statement is required certifying that the country or district was free of swine fever (hog cholera) during the past 6 months. "District" has been interpreted to mean a State or county. This statement is not required for canned pork products or lard.

4. A veterinarian must sign all certificates (followed by his degree, such as D.V.M.). The signature must be impressed with the official seal of the United States Department of Agriculture, Meat and Poultry Inspection Program.

(2) Permit. An import permit is required from the State veterinary officer permitting the importation of such product into Malaysia.

(b) Poultry Products

(1) Turkeys. MP Form 506, signed by an MPI veterinarian, shall contain the following statement:

"The turkeys from which the products for export to Malaysia were derived are from an area free of

foot-and-mouth disease and rinderpest for 6 months immediately prior to the slaughter and export. The turkey products were derived from turkeys subject to ante- and post-mortem examinations and have been found to be free from infectious and contagious disease. The turkey products are fit for human consumption, and every precaution has been taken to prevent contamination prior to export."

(2) Other poultry. Poultry, other than turkeys, require the following statement on MP Form 506 certified by an MPI veterinarian:

"The poultry covered by this certificate is derived from flocks found free of evidence of communicable diseases, including but not limited to fowl cholera and Newcastle disease, and insofar as can be determined exposure thereto, on the basis of an examination by a licensed veterinarian accredited to the USDA. Poultry on farms adjoining the farm of origin were also found to be free of evidence of these diseases upon inspection. The poultry was given ante- and post-mortem inspection under the supervision of a Federal veterinarian and was found to be wholesome. Foot-and-mouth disease has not existed since 1929, and rinderpest has never existed in the United States."

(3) Cooked poultry. Except for turkeys as above specified, only hermetically canned cooked poultry may be exported to Malaysia without the general certificate.

(4) Veterinary Services (R). To meet the requirements of above statement regarding examination of poultry on the farm and on adjoining farms, plant management shall contact the local VS veterinarian, and arrange for this examination. Management should understand that his examination is reimbursable. Findings will

be certified to the plant's veterinarian in charge.

22.48 MALTA

Poultry Products

Issue MP Form 506 without any additional statements for all shipments.

22.48-A MARTINIQUE

Exports to Martinique, French West Indies, must meet the same requirements as those destined to France. However, when codes are used in lieu of actual dates on cartons or cans of product to be sold at retail or institutional levels, the exporter must furnish such codes in advance to the Director des Veterinaires, Direction Departmental de L'Agriculture, Boulevard General Charles de Gaulle, Fort-de-France, Martinique.

22.49 MEXICO

Meat Products

Five copies of the export certificate are required. The fifth copy should be photostat of the original.

Unscalded stomachs. See 22.17(b)(2).

22.50 NETHERLANDS

(a) Meat Products

Besides the regular export certificate, issue MP Form 412-9-1 for fresh meat and meat byproducts, and MP Form 412-9 for meat food products.

The following fresh or frozen products from animals slaughtered in USA are eligible for entry:

1. Beef cuts, with or without bone, weighing at least 6.6 pounds. Each cut is to be branded. Individual cuts weighing a minimum of 6.6 pounds are permitted only on air freight shipments not exceeding 3,300 pounds.

2. Beef tails and beef tenderloins of any weight. Each piece branded.

3. Pork bellies, ham shoulders, and loins. Each piece branded.

4. Edible organs.

- (1) Beef livers (R). They shall be inspected as follows:

1. Open bile duct by usual method.

2. Make a transverse incision not longer than 2" and approximately 3/4" deep across the omasal impression of the liver visceral surface cutting the smaller branches of the bile duct.

3. Make a second transverse incision not longer than 2" and approximately 3/4" deep across the liver visceral surface from beside and below the caudate lobe, cutting only the smaller branches of the bile duct.

- (2) Sheep livers (R). They will be inspected as described above, except that cuts should be smaller.

- (3) Kidneys, bladder. They should be examined. Renal lymph nodes should also be incised. Carcasses with kidneys and/or kidney fat removed are acceptable.

- (4) Trichinae treatment, certification. It is required for all product containing pork, including livers, kidneys, and casings. Entire or partial treatment may take place before export or in bonded storage at destination.

One of the following trichinae certifications will be signed by the veterinary inspector on the reverse side of MP Form 412-9, or MP Form 412-9-1, as applicable:

1. Full treatment before export.

- a. "The pork has been continuously refrigerated for a period of 3 weeks at a maximum temperature of -15° C. (5° F.)."

- b. "The meat product has been heated in such a manner that an internal temperature of at least 80° C. (176° F.) has been reached."

2. Partial treatment before export. A statement shall be given for actual freezing time supervised, e.g., "The pork has been continuously refrigerated for a period of 5 days at a temperature of -15° C."

3. No treatment before export. "No trichinae certification."

(5) Rendered fats; antioxidants. The following antioxidants may be added to rendered animal fats or to combinations of rendered animal fats and vegetable fats: dodecylgallate, propylgallate and octylgallate, not more than 0.01 percent either singly or in combination.

Note: Dodecylgallate and octylgallate are not listed in the regulations (MR-318.7), but may be used for export only (MR-318.8).

Certification. Besides MP Form 412-3 and MP Form 412-10, an MPI veterinarian shall complete a certificate in the following form:

"The undersigned (name and title of the authorized veterinary officer in the country of origin), at _____, certifies: that the edible rendered fats packed in (description of packing), gross weight _____, net weight _____ and marked as follows--(name of product), forwarded from (place of dispatch) by (name and address of shipper) and destined for (name and address of consignee) forwarded by (manner of forwarding, name of ship when shipped), were derived from slaughtering animals of the type as defined in the (Dutch) Meat Inspection Act, which were subject to ante- and post-mortem inspection and were found to be entirely sound and fit for human consumption; that, insofar as they contain common salt, they only contain it in very small quantities; that no preservatives have been used other than propylgallate and/or octylgallate and/or dodecylgallate, and that the total contents of these gallates do not amount to more than

0.01 percent; that they are free from all other substances foreign to animal fats and oils; that the composition is in conformity with the view of the mark stated; that the composition in no respect is in contravention of the purport of this certificate."

Given at _____, on _____.

(Signature)

(6) Meat animals. These animals, as defined in the Dutch Meat Inspection Act, are horses, cattle, sheep, goats, and swine.

If the rendered animal fats being exported are derived from horses, regular export stamps and certificates will not be used.

(7) Casings. Issue MP Form 413.

(b) Poultry Products

Each shipment must be accompanied by MP Form 506 with required statement. Cables or letters sent subsequent to arrival of product will not be accepted.

All exports to Netherlands must meet the same requirements on estrogens as for Italy. Certifying procedures and statement on MP Form 506 are also the same.

Export certificate for processed poultry products (canned goods, etc.) to Netherlands may be issued by authorized MPI personnel.

Except for sterile canned poultry product (in jars or cans), all processed poultry product must be additionally certified on the MP Form 506 as follows: "I certify that the product described herein has been heated to at least 65° C. (149° F.)."

22.50-A NEW CALEDONIA**Meat Products**

Issue MP Form 412-3 and MP Form 412-10. The following statement shall be typed on the reverse of MP Form 412-3:

"These products derive from animals which (1) were grown in a region free, for at least 90 days, from rinderpest (bovine pest), foot-and-mouth disease (aptheuse fever), and hog cholera (pork pest); and (2) were inspected and found healthy before and after slaughter. These products have been declared fit for human consumption."

The certificate must be signed by an MPI veterinarian.

(b) Poultry Products

Fully cooked poultry products are accepted, provided (1) an import permit is issued by New Zealand Department of Agriculture and a copy of such permit accompanies the shipment; (2) an MP Form 506 is issued by a Federal inspector with the following statement:

"The poultry products covered by this certificate have been derived from poultry slaughtered at a processing plant under control of the United States Department of Agriculture, no case of exotic Newcastle disease has occurred in any of the States supplying poultry to

22.51 NEW ZEALAND**(a) Meat Products**

Casings (R). They may be admitted at the ports of Auckland, Gisborne, Napier, New Plymouth, Wanganui, Wellington, Lyttleton, Timaru, Port Chalmers, Dunedin, or Bluff, when accompanied by a certificate, completed by exporter and MPI inspector as shown in Charts 22.2 (Form No. 1) and 22.3 (Form No. 2).

A certificate including form No. 1 and Form No. 2, as above specified, shall be prepared in duplicate by exporter and inspector in charge. Certificate forms shall be supplied by exporter. Animals are to be slaughtered in official establishments and sanitarily handled. Before certification, the inspector in charge shall assure casings' origin and the sanitary handling thereof. Furthermore, all casings for export to New Zealand shall first be examined by the inspector, and only those fit for use as sausage containers in official establishments shall be certified. A copy of each certificate shall be filed in the inspector's office.



UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D. C. 20250



MEAT AND POULTRY INSPECTION REGULATIONS

CHANGE: 76-3

March 1976

MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page	Numbered
SUBCHAPTER A - MANDATORY MEAT INSPECTION		
199	199	76-3
200	200	76-3

203	203	76-3
204	204	76-3

205	205	76-3
206	206	76-3

SUBCHAPTER C - MANDATORY POULTRY PRODUCTS INSPECTION		
27	27	76-3
28	28	76-3

103	103	76-3
104	104	76-3

115	115	76-3
116	116	76-3
116a	116a	76-3

119	119	76-3
120	120	76-3

NOTE: Page 103 of the poultry inspection regulations was amended to correct typographical errors.

§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

§ 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of Program employees, receipt of gifts by Program employees, and forcible assaults on, or other interference with, Program employees while engaged in, or on account of, the performance of their official duties under the Act.

PART 330--[RESERVED]

PART 331--SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES;
AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH
AND FOR SUCH DESIGNATED ESTABLISHMENTS

AUTHORITY: The provisions of this Part 331 issued under secs. 21, 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

SOURCE: The provisions of this Part 331 appear at 35 F.R. 1967, Dec. 29, 1970, unless otherwise noted.

§ 331.1 Definition of "State".

For purposes of this Part, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.

§ 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

Effective date of application
of Federal provisions

* California.....	April 1, 1976 *
Colorado.....	July 1, 1975
Connecticut.....	October 1, 1975
Guam.....	January 21, 1972

Kentucky.....	January 14, 1972
Massachusetts.....	January 12, 1976
Minnesota.....	May 16, 1971
Missouri.....	August 18, 1972
Montana.....	April 27, 1971
Nebraska.....	October 1, 1971
Nevada.....	July 1, 1973
New Jersey.....	July 1, 1975
New York.....	July 16, 1975
North Dakota.....	June 22, 1970
Oregon.....	July 1, 1972
Pennsylvania.....	July 17, 1972
Puerto Rico.....	June 18, 1971
Tennessee.....	October 1, 1975
Virgin Islands.....	November 27, 1971
Washington.....	June 1, 1973

§ 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

The provisions of the regulations in this subchapter apply to operations and transactions wholly within each State designated in § 331.2 under paragraph 301(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 302.1(a)(2) of this subchapter, shall obtain approval of plant drawings as specified in § 304.2 of this subchapter within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 305.2 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter, except that existing interconnections between official and unofficial establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of this subchapter. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible product does not enter the official establishment contrary to the regulations in this subchapter.

(c) Section 308.4 of this subchapter shall apply to such establishments, except that separate toilet rooms for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage, provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house

(1) Any meat or meat food product prepared at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, or unwholesome or otherwise unfit for human food (for example, it was prepared from meat or other ingredients exhibiting spoilage characteristics; or it is, or was prepared from, a carcass affected with a disease transmissible to humans and its condemnation would be required under Part 309 or 310 of the Federal meat inspection regulations (9 CFR Parts 309, 310) at federally inspected establishments; or it is a ready-to-eat pork product which has not been treated to destroy trichinae as prescribed in § 318.10 of this subchapter for products at federally inspected establishments); or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example if insects or vermin are not effectively controlled at the establishments, or insanitary water is used in preparing meat or meat food products for human food); or

(iv) It is, in whole or in part, the product of an animal that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by a Program inspector as one producing adulterated product, which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him ten days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of titles I and IV of the Act as though engaged in commerce.

(3) Thereafter the Program inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with Part 329 of this subchapter: Provided, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

§ 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of Act and Regulations	Classes of Operators	State	Effective Date of Designation	
* Act, 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or pre- paring, freezing, packaging or labeling, any livestock car- casses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, whole- saler or otherwise), transporting or storing any live- stock carcasses or parts or products	California	4-1-76	*
		Colorado	7-1-75	
		Connecticut	10-1-75	
		Kentucky	4-18-73	
		Massachusetts	1-12-76	
		Minnesota	1-31-75	
		Missouri	1-31-75	
		Montana	1-31-75	
		Nebraska	1-31-75	
		Nevada	1-31-75	
		New Jersey	7-1-75	
		New York	7-16-75	
		North Dakota	7-23-73	
		Oregon	1-31-75	
		Pennsylvania	5-2-74	
		Tennessee	10-1-75	
		Washington	1-31-75	

thereof; or (3)
business as a
renderer, or in the
business of buying,
selling, or trans-
porting any dead,
dying, disabled, or
diseased livestock
or parts of carcasses
of any livestock that
died otherwise than
by slaughter.

* Act, 203; § 320.5.

Persons engaged (not	California	4-1-76	*
in or for commerce)	Colorado	7-1-75	
in business as a	Connecticut	10-1-75	
meat broker; renderer;	Kentucky	4-18-75	
animal food manu-	Massachusetts	1-12-76	
facturer; whole-	Minnesota	1-31-75	
salers or public	Missouri	1-31-75	
warehouseman of	Montana	1-31-75	
livestock car-	Nebraska	1-31-75	
casses, or parts or	Nevada	1-31-75	
products thereof;	New Jersey	7-1-75	
or buying, selling,	New York	7-16-75	
or transporting any	North Dakota	7-23-75	
dead, dying, disabled	Oregon	1-31-75	
or diseased live-	Pennsylvania	5-2-74	
stock, or parts	Tennessee	10-1-75	
of carcasses of any	Washington	1-31-75	
such livestock that			
died otherwise than			
by slaughter.			

Act, 204; §§ 325.20
and 325.21.

Persons engaged (not	Connecticut	10-1-75
in or for commerce)	Kentucky	4-18-73
in the business of	Massachusetts	1-12-76
buying, selling or	Minnesota	1-31-75
transporting any	Montana	1-31-75
dead, dying, dis-	Nevada	1-31-75
abled or diseased	New Jersey	7-1-75
animals, or parts	New York	7-16-75
of carcasses of	North Dakota	7-23-75
any animals that	Oregon	1-31-75
died otherwise	Pennsylvania	5-2-74
than by slaughter.	Washington	1-31-75

PART 335-RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE FEDERAL MEAT INSPECTION ACT

AUTHORITY: The provisions of this Part 335 issued under Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 F.R. 28464, 28477.

Subpart A - General

§ 335.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 335.2 Definitions.

As used in this part, the terms as defined in section 1 of the Act (21 U.S.C. 601) shall apply with equal force and effect. In addition and except as may be provided otherwise in this part:

(a) "Act" means the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.).

(b) "regulations" means the regulations promulgated pursuant to the Act (9 CFR 301.1 et seq.).

(c) "hearing" means that part of the proceeding which involves the submission of evidence and means either an oral or written hearing.

(d) "moving paper" means any formal complaint or other document by virtue of which a proceeding under the Act is instituted.

(e) "complainant" means the party upon whose moving paper the proceeding is instituted.

(f) "respondent" means the party proceeded against.

(g) "Secretary" means the Secretary of Agriculture, United States Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(h) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

(i) "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (the Administrative Procedure Act) and assigned to the proceeding involved.

(j) "Administrator" means the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead in connection with the function involved.

(k) "decision" means the Judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the Judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on proposed findings, conclusions and orders submitted by the parties.

§ 335.3 Scope and applicability of this part.

The rules of practice in this part shall be applicable to the procedure governing proceedings and summary action for the refusal, withdrawal or suspension of inspection service with respect to any applicant or recipient of such service under Title I of the Act.

(b) Outside premises. The drainage system must permit the quick runoff of all water from buildings, and of surface water around the official establishment and on the premises; and all such water shall be disposed of in such a manner as to avoid the development of insanitary conditions at the establishment.

(c) Drainage of sewage and plant wastes. (1) All drains and gutters shall be properly installed with approved traps and vents. The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize or, if possible, prevent stoppage and surcharging of the system. When the sewage disposal system is a private system which is required to be approved by a State or local health authority, the applicant shall furnish the Administrator a letter from the proper health authority indicating that the sewage disposal system is acceptable to such authority.

(2) Interceptor traps which are connected with the sewer system shall be suitably located, and not near any edible poultry products department or in any area where edible poultry products are unloaded from or loaded into any means of conveyance. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.

(3) Each floor drain shall be equipped with a deep seal trap, and the plumbing shall be installed so as to prevent sewage from backing up and flooding the floor, except that floor drains in areas not regularly washed down will be acceptable without deep seal traps: Provided, That such drains are connected to secondary drainage systems discharging into a safe sink or basin (air gap) that is properly trapped and vented: And provided further, That such drains accomplish the objectives and intent of this paragraph.

(4) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless an automatic backwater check valve is installed to prevent backflow. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin, nor shall such drainage be permitted to enter the sewer lines at a point where there might be a possibility of such drainage backing up and flooding the floor of the building.

§ 381.50 Water supply.

(a) General: Except as provided in paragraph (e) of this section, the water supply shall be ample, clean, and potable with adequate pressure and facilities for its distribution in the official establishment and its protection against contamination and pollution. A water report, issued under the authority of the State health agency, certifying to the potability of the water supply, shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator in specific cases.

(b) An adequate supply of hot water to enable proper cleaning shall be available.

(c) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(d) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms.

(e) Nonpotable water is permitted only in those parts of official establishments where no poultry product is processed or otherwise handled and then only for limited purposes such as on condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment, nor is it permitted in boilers, scalders, chill vats, or icemaking machines. In all cases, nonpotable water lines shall be clearly identified and shall not be cross connected with the potable water supply unless this is necessary for fire protection. Any such connection must have an adequate break to assure against accidental contamination, and must be approved by local authorities and by the Administrator. Any untested water supply in an official establishment shall be treated as a nonpotable supply.

§ 381.51 Lavatories, toilets, and other sanitary facilities.

(a) Modern lavatory and toilet accommodations and properly located facilities for cleaning utensils and hands shall be provided.

(b) Adequate lavatory and toilet accommodations, including but not being limited to, running hot and cold water, soap, or other acceptable agents (in sanitary dispensers), toilet tissue, and towels or other acceptable facilities for drying hands, shall be provided. Lavatories shall be in or near toilet and locker rooms and also at other places in the plant as may be essential to the cleanliness of all personnel handling poultry products.

(c) Adequate lockers or other facilities, shall be provided for employees' wearing apparel, and for the storing and changing of clothing. Wearing apparel shall not be stored in rooms where processing operations are conducted.

(d) Suitable containers shall be provided for the temporary storage of soiled linen, coats, aprons, and other items of employees' uniforms or work clothing.

(e) Sufficient containers of metal or other acceptable impervious material shall be provided for used towels and other wastes.

* (f) An adequate number of hand washing facilities shall be provided in *
* areas where poultry products are prepared. Hand washing facilities accepted *
* in accordance with the procedures set forth in § 381.53 may be used in such *
* areas, provided that if hand-activated facilities are used, the hand-contact *
* element must be rinsed automatically with a sufficient volume of water to *
* remove all fat, tissue, debris, and other extraneous material from the hand- *
* contact element after each use. Both hot and cold running water shall be *
* available at each inspection station on the eviscerating line and shall be
Alternatively, water for hand washing shall be delivered to such inspection
stations at a minimum temperature of 65°F.

(g) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(h) Adequate toilet facilities shall be provided and the following formula shall serve as a basis for determining the number of toilet bowls required:

§ 381.193 Poultry carcasses, etc. not intended for human food.

Poultry carcasses, and parts and products thereof, that are not intended for use as human food may, after they have been denatured as prescribed in § 381.95, be shipped from any official establishment and in commerce even though they do not comply with all the provisions of the regulations, provided they are marked "Not fit for human food." These requirements do not apply to parts of poultry carcasses that are naturally inedible by humans, such as entrails. All such articles, if intended for animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

§ 381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter shall:

(a) Sell, transport, offer for sale or transportation or receive for transportation, in commerce, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such poultry and parts are consigned and delivered, without avoidable * delay, to establishments of animal food manufacturers, renderers, or collection * stations that are registered as required by § 381.179, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Secretary as one that imposes requirements at least equal to the Federal requirements for purposes of section 5(c) of the Act.

(b) Buy in commerce or import any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by § 381.179, or is the operator of an establishment inspected as required by paragraph (a) of this section and such poultry or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (a) of this section.

(c) Unload en route to any establishment eligible to receive them under paragraph (a) of this section, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, which are transported in commerce or imported by any such person: Provided, That any such dead, dying, disabled, or diseased poultry, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director, Compliance Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

* Subpart T-Imported Poultry Products *

§ 381.195 Requirements for importation into United States.

(a) No slaughtered poultry, or parts or products thereof, shall be imported into the United States unless they are healthful, wholesome, fit for

human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and they also comply with the regulations prescribed in this subpart to assure that they comply with the standards provided for in the Act: Provided, That the provisions of this subpart apply to such articles only if they are capable of use as human food.

(b) Except as provided in § 381.207, slaughtered poultry and other poultry products may be imported only if they were processed solely in countries listed in § 381.196(b). Slaughtered poultry may be imported only if it qualifies as ready-to-cook poultry.

§ 381.196 Eligibility of foreign countries for importation of poultry products into the United States.

(a) (1) Whenever it shall be determined by the Administrator that the system of poultry inspection maintained by any foreign country, with respect to establishments preparing products in such country for export to the United States, insures compliance of such establishments and their poultry products, with requirements at least equal to all the provisions of the Act and the regulations in this part which are applied to official establishments in the United States, and their poultry products, and that reliance can be placed upon certificates required under this subpart from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, poultry products processed in such establishments which are certified and approved in accordance with subparagraph (3) of this paragraph shall be eligible, so far as the regulations in this part are concerned, for importation into the United States from such foreign country after applicable requirements of this part have been met.

(2) The determination of acceptability of a foreign poultry inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of poultry inspection in the United States with respect to:

(a) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments throughout the system at which poultry products are processed for export to the United States;

(b) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(c) The assignment of competent, qualified inspectors;

(d) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing poultry inspection and to certify or refuse to certify poultry products intended for export;

(e) Adequate administrative and technical support;

(f) Other requirements of adequate inspection service as required by the regulations.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of poultry inspection organized and maintained in the United States with respect to:

located when so detained, until released by an authorized representative of the Secretary: Provided, That any such article may be moved from the place at which it is located when so detained, for refrigeration or freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary and the article so moved will be further detained by an authorized representative of the Secretary after such movement. When the detention of such article is terminated, the owner, his agent, or the carrier or other person having custody of the article who was notified when the article was detained will receive notification of the termination. The notification "Notice of Termination of Detention" (Form MP-487)¹ shall be served either by delivering the notice to the person originally notified, or by certifying and mailing the notification addressed to such person, at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the representative that the article is eligible to retain such marks.

§ 381.215 Poultry or other articles subject to judicial seizure and condemnation.

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 381.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

- (a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or
- (b) Is capable of use as human food and is adulterated or misbranded; or
- (c) In any other way is in violation of the Act.

§ 381.216 Procedure for judicial seizure, condemnation, and disposition.

Any poultry or other article subject to seizure and condemnation under this subpart is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

§ 381.217 Authority for condemnation or seizure under other provisions of law.

The provisions of this subpart relating to detention, seizure, condemnation and disposition of poultry or other articles do not derogate from authority for retention, condemnation, or seizure conferred by other provisions of the Act, or other laws.

¹ Copy filed with the Office of the Federal Register as part of the original document.

§ 381.218 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

Subpart V-Special Provisions for Designated States and Territories;
Criteria and Procedure for Designating Establishments With
Operations Which Would Clearly Endanger the Public Health;
Disposition of Poultry Products Therein

§ 381.220 Definition of "State".

For purposes of this subpart, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

States	Effective date of application of Federal provisions
Arkansas.....	Jan. 2, 1971.
* California.....	April 1, 1976. *
Colorado.....	Jan. 2, 1971.
Connecticut.....	Oct. 1, 1975.
Georgia.....	Jan. 2, 1971.
Guam.....	Jan. 21, 1972.
Idaho.....	Jan. 2, 1971.
Kentucky.....	July 28, 1971.
Maine.....	Jan. 2, 1971.
Massachusetts.....	Jan. 12, 1976.
Michigan.....	Jan. 2, 1971.
Minnesota.....	Jan. 2, 1971.
Missouri.....	Aug. 18, 1972.
Montana.....	Jan. 2, 1971.
Nebraska.....	July 28, 1971.
Nevada.....	July 1, 1973.
New Jersey.....	July 1, 1975.
North Dakota.....	Jan. 2, 1971.
Oregon.....	Jan. 2, 1971.
Pennsylvania.....	Oct. 31, 1971.
Puerto Rico.....	Jan. 17, 1972.

South Dakota.....	Jan. 2, 1971.
Tennessee.....	Oct. 1, 1975.
Utah.....	Jan. 2, 1971.
Virgin Islands.....	Nov. 27, 1971.
Washington.....	June 1, 1973.
West Virginia.....	Jan. 2, 1971.

misbranded, except that the official inspection legend shall not be used. Such products may not enter official establishments. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 381.10.

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 11 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Paragraphs of act and regulations	Classes of operators	State	Effective date	
* Act, 11(b); §§ 381.175-381.178	Persons engaged (not in or for commerce) in (1) the business of slaughtering any poultry or processing, freezing, packaging, or labeling any poultry carcasses, or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a poultry prod- ucts broker, whole- saler, or otherwise), transporting or storing any poultry carcasses, or parts or products thereof; or (3) business as a renderer or in the business of buying, selling, or trans- porting any dead, dying, disabled, or diseased poultry or parts of carcasses of any poultry that died otherwise than by slaughter.	California	4-1-76	*
		Colorado	7-1-75	
		Connecticut	10-1-75	
		Kentucky	4-18-73	
		Massachusetts	1-12-76	
		Minnesota	1-31-75	
		Missouri	1-31-75	
		Montana	1-31-75	
		Nebraska	1-31-75	
		Nevada	1-31-75	
		New Jersey	7-1-75	
		New York	7-16-75	
		North Dakota	7-23-73	
		Oregon	1-31-75	
		Pennsylvania	5-2-74	
		Tennessee	10-1-75	
		Washington	1-31-75	
* Act, 11(c); § 381.179	Persons engaged (not in or for commerce) in business as a poultry products	California	4-1-76	*
		Colorado	7-1-75	
		Connecticut	10-1-75	
		Kentucky	4-18-73	

broker; renderer;	Massachusetts	1-12-76
animal food manu-	Minnesota	1-31-75
facturer; whole-	Missouri	1-31-75
salor or public	Montana	1-31-75
warehouseman of	Nebraska	1-31-75
poultry carcasses,	Nevada	1-31-75
or parts or prod-	New Jersey	7-1-75
ucts thereof; or	New York	7-16-75
buying, selling,	North Dakota	7-23-75
or transporting	Oregon	1-31-75
dead, dying,	Pennsylvania	5-2-74
disabled, or	Tennessee	10-1-75
diseased poul-	Washington	1-31-75
try or parts of		
carcasses of any		
poultry that died		
otherwise than by		
slaughter.		

Act, 11(d); § 381.194

§ 381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

(a) An establishment in any State not listed in § 381.221 that is preparing poultry products solely for distribution within such State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any poultry product processed at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food (for example, it was prepared from a poultry carcass or other ingredients exhibiting spoilage characteristics); or it is, or was prepared from, a poultry carcass which would be required to be condemned under Subpart K at official establishments; or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example, if insects or vermin are not effectively controlled at the establishment, or insanitary water is used in preparing poultry products for human food); or

(iv) It is, in whole or in part, the product of poultry that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Washington, D.C. 20250

Official Business
Penalty for Private Use, \$300

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF
AGRICULTURE
AGR 101

